



Example of letter to come for
Brenton Gas Works Site (BEW)

RECEIVED
APR 25 2014
ATTORNEY GENERAL'S OFFICE
NATURAL RESOURCES DIVISION

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue
Seattle, Washington 98101

APR 24 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Division Manager
Aquatic Resources Division
Washington State Department of Natural Resources
1111 Washington Street, SE
P.O. Box 47027
Olympia, Washington 98504-7027

Re: General Notice of Potential Liability Pursuant to Section 107(a) and Request for Information Pursuant to Section 104(e) of CERCLA for the Quendall Terminals Superfund Site in Renton, Washington

Dear Aquatic Resources Division Manager:

This letter notifies the Washington State Department of Natural Resources ("DNR") of its potential liability at the Quendall Terminals Superfund Site located in King County, Washington ("Site"). Under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants. EPA has documented that such a release occurred at the Site. Based on information presently available, EPA has determined that you may be responsible under CERCLA for the cleanup of the Site or costs incurred to clean up the Site.

This letter also requires DNR to provide a response to the enclosed Information Request seeking information and documents relating to the Site and the environmental conditions at, and cleanup of the Site.

Notice of Potential Liability

EPA has documented the release or threatened release of hazardous substances at the Site, and has spent public funds on actions to investigate and control such releases or threatened releases at the Site. Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), a Potentially Responsible Party ("PRP") or parties may be required to perform response actions deemed necessary by EPA to protect the public

health, welfare, or the environment, and may be responsible for the costs incurred in responding to a release or threatened release at the Site. In addition, PRPs may be required to pay for damages to, destruction of, or loss of natural resources, including the costs of assessing such damages.

PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered. EPA has evaluated information in connection with its investigation of the Site and believes that DNR may be a PRP with respect to this Site. Specifically, DNR is the current owner and/or operator of contaminated submerged lands located within the Site, and DNR was the owner and/or operator when hazardous substances were disposed on such submerged lands.

In accordance with CERCLA, EPA and other PRPs have already undertaken certain actions and incurred certain costs in response to release or threatened releases of hazardous substances at the Site. Altino Properties and J.H. Baxter and Company, two of the PRPs for the Site, have completed a remedial investigation to characterize the nature and extent of contamination and are conducting a feasibility study to develop a cleanup plan. EPA encourages PSE to communicate directly with these PRPs concerning the cleanup of the Site and has enclosed contact information for counsel to Altino Properties and J.H. Baxter and Company.

Request for Information

Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), requires you to respond to the Information Request set forth in the Enclosure to this letter.

Failure to provide a complete truthful response within 60 days of receipt of this letter, or to adequately justify such failure to respond, may subject PSE to an enforcement action by EPA pursuant to section 104(e) of CERCLA. The statute permits EPA to seek the imposition of penalties of up to \$37,500 for each day of non-compliance.

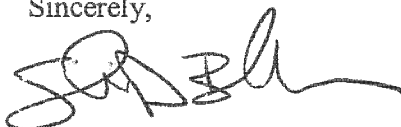
Please note that responses which are incomplete, ambiguous, or evasive may be treated as non-compliance with this Supplemental Information Request. Provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Your response to this Supplemental Request for Information should be mailed to:

U.S. Environmental Protection Agency, Region 10
Alex Fidis, Office of Regional Counsel
1200 Sixth Ave. Suite 900
Mail Stop ORC-158
Seattle, Washington 98101

Please give these matters your immediate attention. If you have any questions regarding the Site please contact Lynda Priddy at (206) 553-1987. Any communication concerning this General Notice of Liability, Request for Information or by an attorney should be directed to Alex Fidis of EPA's Office of Regional Counsel at (206) 553-4710. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shawn Blocker', written over a horizontal line.

Shawn Blocker, Unit Manager
Site Cleanup Unit #3
Office of Environmental Cleanup

Enclosures:

1. Performing PRP Contact Information
2. Information Request (including Definitions, Instructions and Certification)

cc:

Washington State Office of the Attorney General
Natural Resources Division
P.O. Box 40100
Olympia, Washington 98504-0100

U.S. EPA

CERCLA SECTION 104(e)

INFORMATION REQUEST

Respondent: Washington State Department of Natural Resources

Site: Quendall Terminals
4503 Lake Washington Blvd. N.
Renton, WA

Note: this Information Request includes instructions for responding to this request and definitions of words such as "real property," "property," "Respondent," and "identify" used in the questions.

INFORMATION REQUEST QUESTIONS

1. Respondent Information

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
 - i. Full name;
 - ii. Title; and
 - iii. Work address and telephone
- c. If Respondent wishes to designate an individual for future correspondence concerning this Site, provide that individual's name, address, and telephone number.

2. Property

- a. Identify all property, including submerged lands, owned and/or managed by Respondent at or adjacent to the Site.
- b. Provide a legal description of all identified property and, if available, a map or other

depiction delineating the property and the extent of Respondent's ownership or management interest. Provide all unique identifiers, such as a parcel number or location name, used by Respondent to refer to or distinguish the property identified in response to this question.

- c. Provide a description of the current condition of the property, including all information concerning the presence of hazardous substances, pollutants and/or contaminants, and concerning past releases of hazardous substances, pollutants or contaminants.

3. Property Use and Activities

For each property identified in response to question 2 provide a separate response to the following questions.

- a. Provide all documents and information related to Respondent's ownership and/or management of the property including but not limited to all deeds, easements, leases, licenses, rights of entry and any other use authorizations.
- b. Provide a detailed narrative description of the current and former uses of the property, including a description of the primary activities (including in-water and overwater activities) conducted on or associated with the property and an identification of the locations where those activities were carried out. Provide all documents and information pertaining to the current and former use of the property.
- c. Provide all documents and information concerning any development of the property including but not limited to docks, piers, pilings, platforms or other structures (e.g. buildings, paving, seawalls, wharves, docks, dolphins, marine ways), services (e.g. water, power, sewer), and drainage systems. Include plans, blueprints, "as-builts" and photographs.
- d. Describe the source, volume, and content of any fill material placed on the property. Provide all relevant documents and information, including copies of any permits, pertaining to past dredging or filling on or adjacent to the property. Include all documentation and data from any sampling of dredged or fill materials obtained prior to, during, or subsequent to dredging or filling, as well as any other sediment sampling adjacent to the property.
- e. Provide a description of any ongoing or completed environmental cleanup, response or remedial actions conducted by Respondent at the property. Provide all relevant documents and information regarding environmental conditions including information related to soil, sediment, water (ground and surface), and air quality, including, but not limited to:
 - i. Any spill, leak, release, or discharge of waste, useful product, hazardous substance, pollutant, or contaminant at, from, or near the property.

- ii. Occurrences of violations, citations, deficiencies, and/or accidents concerning the property.
- iii. Remediation or removal of contaminated soils, sediments, or other media from.
- iv. Investigations, inspections, sampling, and reports generated by Respondent.

4. Information About Others

For each property identified in response to question 2 provide a separate response to the following questions.

- a. Provide a detailed description of the relationship, agreement or arrangement between Respondent and the Port of Seattle concerning the use and/or management of the property. Provide all documents related to such relationship, agreement or arrangement.
- b. Identify all entities that held any lease, license, right of entry or other use authorization for the property. For each identified entity, provide the most recent contact information and a detailed narrative description of the activities and location of the activities they conducted on the property. Provide all documents related to the entity's use of, and activities at the property.

5. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:
 - i. The name and current job title of all individuals consulted; and
 - ii. The location where all documents reviewed are currently kept.

INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject the Respondent to the penalties set out in the cover letter.
2. Response Index. Provide the responses to this Information Request and at least one copy of all requested documents electronically (except for the declaration and oversized documents as noted in the Response Format Instruction below). Your submission must include an index that lists all the responsive documents provided. Clearly identify and segregate any information you determine to be Confidential Business Information (CBI) or personal privacy information in a separate index. Your index must include the following fields of information regarding each document:
 - a. A unique document identification number, range of page numbers, or range of bates numbers;
 - b. The number of pages in the document;
 - c. The date of the document (if there is no date for the document, leave the field blank);
 - d. Indication of whether the document is releasable, personal privacy information, or confidential, using the designator REL for releasable, PPI for personal privacy information, or CBI for Confidential Business Information respectively;
 - e. Identification of where each document is referenced in the written response, and to which question, sub-question, or questions each document is responsive;
 - f. A descriptive title, file name, or short description indicating the contents of the document not to exceed 200 characters when added to the field length of the property, facility, or area identifier;
 - g. The name of the entity that authored the document (leave this field blank if the author is unknown or there is no author);
 - h. The name of the organization the author belongs to if applicable (leave this field blank if the information is unknown or not applicable);
 - i. The name of the entity that received the document if applicable (leave this field blank if the information is unknown or not applicable); and
 - j. The name of the organization the recipient belongs to if applicable (leave this field blank if the information is unknown or not applicable).
3. Response Format. Provide the response and all requested documents on a compact disc(s) or other electronic media in Portable Document Format (PDF) and comply with the following requirements:
 - a. CBI and personal privacy information should be provided on separate media (e.g.,

- a separate CD) and marked as such to ensure information is appropriately handled and physically separated from the other response information in EPA's files.
- b. The declaration must be provided in hard copy with an original signature.
 - c. Electronic PDF files must be compatible with Adobe Acrobat version 8.0.
 - d. Electronic PDF files must be text-searchable e.g. converted to text using Optical Character Recognition (OCR).
 - e. If any submitted documents are not converted to text using OCR, they must be separated and clearly denoted as such.
 - f. The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
4. Number Each Answer. Number each answer with the number of the question to which it corresponds.
5. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.
6. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
7. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be CBI should be contained on separate sheet(s) or media and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.**
8. Disclosure to EPA Contractor. Information submitted in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's

intended disclosure within 14 days of receiving this Information Request.

9. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personal Privacy Information". Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
10. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
11. Provide Documents in the "Public Domain". Respondent must submit documents and provide information that responds to this Information Request even if such responsive documents and information may already be available in the "public domain" and accessible to EPA.
12. Privilege. If a privilege is asserted for any document responsive to this Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. **Note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.**
13. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in your response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, *et seq.*, or Volume 40 of the Code of Federal Regulations (CFR) Part 300, in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The terms "**document**" and "**documents**" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document.
 - b. any film, photograph, or sound recording on any type of device;
 - c. any blueprints or drawings;
 - d. attachments to, or enclosures with, any document.
2. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.
3. The term "**identify**" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
4. The term "**identify**" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and

(e) a summary of the substance or the subject matter. **Alternatively**, Respondent may provide a complete copy of the document.

5. The term "**leasehold**" shall mean a possessory estate in land or premises.
6. The term "**material**" or "**materials**" shall mean any and all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind.
7. The term "**ownership interest**" shall mean use, enjoyment, or possession, whether actual, adverse, or constructive, and regardless of any actual or constructive control. Ownership interests include, but are not limited to, all freehold estates, easements, licenses, and permits.
8. The term "**property**" shall mean all real property, facilities, and locations where Respondent held or holds any ownership interest, leasehold or other possessory interest.
9. The term "**Respondent**" shall mean the Washington State Department of Natural Resources, together with its agents, employees, and contractors.
10. The term "**Site**" shall mean any or all property or area currently known as Quendall Terminals, described as or near 4503 Lake Washington Blvd. N. in Renton, WA, King County tax parcels: 2924059001, 2924059002 and 292405012, and for purposes of this Information Request, all areas within one-half mile of the Quendall property, including the railroad area and the offshore sediments.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2014.

Signature

Type or Print Name

Title

Mailing Address:

**Contact Information for Counsel to Performing Potentially Responsible Parties
Quendall Terminal Superfund Site, Renton, Washington**

Altino Properties, Inc.

Lynn T. Manolopolous
Davis Wright Tremaine, LLP
777 108th Avenue NE
Bellevue, Washington 98004
(425) 646-6146
lynnmanolopolous@dwt.com

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